

Exhibit 20



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC., (CAUSE NO. 2:21-CV-463-JRG
)
Plaintiff, ()
vs. ()
SAMSUNG ELECTRONICS CO., LTD., ()
et al., () MARSHALL, TEXAS
(MARCH 29, 2023
Defendants.) 9:00 A.M.

VOLUME 2

PRETRIAL CONFERENCE
BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE

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1 THE COURT: Be seated, please.

2 All right. We'll continue the pretrial hearing in the
3 Netlist versus Samsung matter, which has been in recess since
4 yesterday late afternoon. And we'll return to the unaddressed
5 dispositive motions that are before the Court.

6 Before I do that, is there anything from either side that
7 is either late-breaking or I need to know about? Are both
8 sides ready to go forward with what's remaining, or is --

9 MR. SHEASBY: Your Honor, we are ready to proceed.

10 There's some disputes that have been removed from two of
11 Defendant's motions to strike based on the Court's rulings
12 yesterday. I communicated those to the arguing attorney for
13 the Defendants, and my understanding is he will be apprising
14 the Court of those narrow disputes when he introduces --

15 THE COURT: Okay. Well we'll address them when we
16 get to those motions.

17 I take it that none of the motions themselves have been
18 resolved completely; only portions based on yesterday's
19 rulings?

20 MR. SHEASBY: That's correct, Your Honor, in our
21 view.

22 MR. CORDELL: I did have one additional issue, Your
23 Honor.

24 THE COURT: Okay. What's that?

25 MR. CORDELL: So just now we got an email from the

1 changed it.

2 THE COURT: So you carried what was in the
3 preliminary infringement contentions forward into subsequent
4 iterations.

5 MR. SHEASBY: All the way. We've been saying LDO is
6 the converter circuit from the beginning, and then at the end
7 of fact discovery they say LDO can't be a converter circuit,
8 and then we're in a situation to have to scramble.

9 THE COURT: All right. What else, Mr. Sheasby?

10 MR. SHEASBY: The alleged state of mind, this is
11 sort of a difficult thing. There are highlights in the
12 paragraph where Mr. -- Doctor Mangione-Smith hypothesizes
13 about what Samsung's state of mind would be, but there are
14 vast elements of that paragraph that just discuss the factual
15 record about when Samsung was on notice, objectively on notice
16 of certain things. And so based on the Court's order
17 yesterday, I think the idea that an expert -- I think you said
18 that for Mr. Halbert that experts should not be hypothesizing
19 on the state of mind of --

20 THE COURT: That would apply here as well.

21 MR. SHEASBY: That would apply here as well. And
22 that would be a blanket thing, but the paragraphs contain lots
23 of perfectly appropriate things about notice and state of
24 mind. So on those paragraphs I would just ask that the Court
25 apply the same standard.

1 If the Court has any questions, I'll move on to the next
2 one.

3 THE COURT: No. I mean, my intention here from the
4 briefing and hearing Defendant's argument until you addressed
5 it was to basically say Doctor Mangione-Smith is not going to
6 be permitted to opine on Samsung's state of mind. Now, that
7 should be adequate guidance without going back and taking
8 paragraphs and saying this sentence is in and this sentence is
9 out. And there's no reason why counsel for both sides can't
10 do that with the kind of high-level guidance I'm giving. But
11 that is the Court's guidance--the witness is not going to
12 opine on Samsung's state of mind.

13 MR. SHEASBY: Okay. And then in terms of the Sung
14 Mo Jung's deposition testimony, I think -- so first off,
15 Doctor Mangione-Smith will testify that he read the entire
16 deposition testimony, I believe. As to the --

17 THE COURT: This is the one with the errata?

18 MR. SHEASBY: Yes, this is the one with the errata.
19 I don't think he has the memory to say, I read the pages of
20 the errata or not. They were given to him. As to whether he
21 physically read the errata, we don't know the answer to that
22 because he doesn't remember it anymore. But we know that the
23 original is part of the record, so you can't get away from the
24 original. The way this works is you have the original and
25 then they can also put in the corrected version. And Doctor

1 So with that I will be done. Thank you, Your Honor.

2 THE COURT: Thank you.

3 All right. With regard to Document 204, Samsung's
4 *Daubert* motion and motion to strike regarding Dr. William
5 Henry Mangione-Smith, with regard to what's been described as
6 these untimely theories based on the corrected and redacted
7 report as submitted, I think that's adequate and I'm going to
8 deny anything beyond what's been corrected and redacted in
9 that regard.

10 All right. With regard to the alleged late-disclosed
11 conception documents for rebuttal purposes, and Defendant's
12 request to strike paragraph 77, I'm going to deny that motion.
13 Same as to paragraph 313, paragraph 88, and paragraph 692.

14 With regard to the section of this motion that's been
15 characterized as new infringement theories for the '918 and
16 the '054, I'll accept what appears to be a representation from
17 both parties that these issues are no longer live and are moot
18 and have otherwise been disposed of.

19 With regard to the assertion of an untimely DoE opinion
20 for the '918 and the '054 Patents, having heard the argument
21 and considered the briefing, the Court's going to deny that
22 portion of the motion.

23 With regard to allegations regarding Samsung's alleged
24 state of mind, which are addressed by the witness, the Court's
25 going to grant that. As I earlier indicated, Doctor

1 Mangione-Smith is not going to opine as to Samsung's state of
2 mind, and I'm going to leave the Court's guidance at this
3 higher level rather than delve into paragraph numbers,
4 sentence numbers, parts of sentences. I leave it to the
5 parties to implement accurately my guidance here.

6 With regard to the issue of the errata and the errata
7 from Mr. Jung's testimony, to me that goes to the credibility
8 and weight of the expert's report and can be dealt with on
9 cross examination. I don't necessarily welcome a number of
10 deposition disputes and counterdesignation disputes, but if
11 that's how it presents itself, I'll take those up when they're
12 presented. At this point I'm not persuaded that there should
13 be an outright exclusion of the differences between the
14 original deposition and the subsequent errata.

15 And as to what's been designated as the unsupported
16 technical valuation opinions not disclosed in fact discovery,
17 having heard the argument, having considered the briefing, I
18 think this goes more to weight than admissibility, can be
19 fairly dealt with on cross examination, and I'm going to deny
20 the motion as to this portion thereof.

21 And that appears to me to cover all of what's been
22 disputed in the multi-subparts of this single motion under
23 *Daubert* concerning Doctor Mangione-Smith.

24 Do you have a question?

25 DR. ALBERT: May I ask for a clarification, Your

1 If that changes, I'll let you know. If there is going to be
2 a bench trial necessary based on the verdict the jury renders,
3 I don't intend to push that off for an inordinate period of
4 time, but I don't at this point think it's likely that I will
5 want to immediately accept the verdict, dismiss the jury, and
6 begin the bench trial. Okay?

7 MS. TRUELOVE: Thank you, Your Honor.

8 THE COURT: Anything from Samsung, Your Honor.

9 MR. CORDELL: No, Your Honor. Thank you.

10 Appreciate the time and energy this week.

11 THE COURT: Is LSU still in March Madness?

12 MR. CORDELL: They are, if you follow the lady's
13 team.

14 THE COURT: I do because you stole our coach from
15 Baylor.

16 MR. CORDELL: I was hoping you wouldn't point that
17 out, but she's done great things, so we appreciate it.

18 THE COURT: Well, it just takes money.

19 All right. That completes the pretrial proceedings,
20 other than the exhibits which will be taken up by the
21 magistrate judge, as I've indicated. Thank you for your time
22 and attention, counsel. You're excused.

23 And the Court stands in recess.

24 (The proceedings were concluded at 5:30 p.m.)
25